

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No.: 10/674,667
Filing Date: September 30, 2003
Applicant: Francis M. Creighton, IV
Group Art Unit: 3737
Examiner: John Fernando Ramirez
Title: Efficient magnet system for magnetically-assisted surgery
Attorney Docket: 5236-000440/US

Mail Stop Appeal Brief - Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

APPEAL BRIEF UNDER 37 C.F.R. § 41.37

Sir:

The Notice of Appeal in this Application was filed on September 2, 2009. This brief is submitted with the fee required under 37 C.F.R. §1.17(f).

APPELLANT'S BRIEF ON APPEAL

Pursuant to 37 C.F.R. § 41.37, Appellants submit their Brief on Appeal, as follows:

REAL PARTY IN INTEREST – UNDER 37 C.F.R. § 41.37(c)(1)(i)

The real party in interest in this appeal is Stereotaxis, Inc., a Delaware corporation, having a place of business at 4320 Forest Park Avenue, Suite 100, St. Louis, MO 63108, by virtue of an assignments recorded at Reel 011087, Frame 0917 and Reel 011087, Frame 0908.

RELATED APPEALS & INTERFERENCES - UNDER 37 C.F.R. § 41.37(c)(1)(ii)

To the best of Appellants' knowledge, no other appeals or interferences are pending which will directly affect, be directly affected by or have a bearing on the Board's decision in the present pending appeal.

STATUS OF THE CLAIMS – UNDER 37 C.F.R. § 41.37(c)(1)(iii)

On September 2, 2009, Appellants appealed from the rejection in the Final Office Action mailed June 2, 2009. Claims 39-41, 45-47 and 51-52 are pending and being appealed, and claims 1-38, 42-44, 48-50 and 53-57 have been cancelled.

A copy of the claims presently being appealed (Claims 39-41, 45-47 and 51-52) is provided in the attached Claims Appendix.

A copy of the June 2, 2009 Final Office Action placing claims 39-41, 45-47 and 51-52 in the application under rejection is provided in the attached Evidence appendix.

STATUS OF AMENDMENTS – UNDER 37 C.F.R. § 41.37(c)(1)(iv)

In response to a Final Office Action mailed June 2, 2009, a Notice of Appeal and Pre-Appeal Brief Request were filed on September 2, 2009. Subsequently, a Notice mailed November 24, 2009 maintained the rejection of claims 39-41, 45-47 and 51-52.

SUMMARY OF CLAIMED SUBJECT MATTER – UNDER 37 C.F.R. § 41.37(c)(1)(v)

Independent Claim 39

A compound magnet assembly having a front face and comprising a plurality of segments, the segments each magnetized to provide the maximum magnetic field direction at a selected operating point spaced from the front face of the compound magnet assembly.

With regard to independent claim 39, the present application states (in ¶ [0076] of the present application as published in 20040064153) that in "the compound magnet of this invention, the magnet 500 is divided into segments, and the proper magnetization direction is determined for each segment," where ¶ [0077] teaches "determining the magnetization at the location of the center of mass that maximizes the magnetic field F at the operating point 506." (See Fig. 17 of the present application).

Independent Claim 41

A compound magnet assembly having a front and a back face and comprising a plurality of segments, the segments each magnetized to provide substantially the maximum magnetic field in a selected direction at a selected operating point spaced from the front face, the back face being substantially contoured to follow a surface of constant contribution to magnetic field in the selected direction at the operating point.

With regard to independent claim 41, the present application states in ¶ [0076] that in "the compound magnet of this invention, the magnet 500 is divided into segments, and the proper magnetization direction is determined for each segment," where ¶ [0077] teaches "determining the magnetization at the location of the center of mass that maximizes the magnetic field F at the operating point 506."

The present application further states in ¶ [0079] that "the magnet 500 is constructed by selecting the desired distance between the operating point 506 and the front face of the magnet." The present application further states in ¶ [0079] that "the desired shape of the magnet 500 has the flat front face 502...a curved back face 504, which generally conforms to the curve of constant field strength, and which also represents lines of constant contribution to the desired magnetic field F...the desired magnet shape is divided up into segments." The present application further states in ¶ [0081] that "the magnetization direction is determined for the location of the center of mass that will provide the maximum contribution to the desired field F."

Independent Claim 45

A compound magnet assembly for applying a magnetic field in a selected direction at a selected operating point, the magnet assembly comprising a front face generally facing the operating point, and an at least approximately curved back face facing away from the operating point, the back face generally conforming to a constant contribution surface of the magnetic field in the selected direction.

With regard to independent claim 45, the present application states in ¶ [0076] that in "the compound magnet of this invention, the magnet 500 is divided into segments, and the proper magnetization direction is determined for each segment," where ¶ [0077] teaches "determining the magnetization at the location of the center of mass that maximizes the magnetic field F at the operating point 506."

The present application further states in ¶ [0079] that "the magnet 500 is constructed by selecting the desired distance between the operating point 506 and the front face of the magnet." The present application further states in ¶ [0079] that "the desired shape of the magnet 500 has the flat front face 502...a curved back face 504,

which generally conforms to the curve of constant field strength, and which also represents lines of constant contribution to the desired magnetic field F...the desired magnet shape is divided up into segments." The present application further states in ¶ [0081] that "the magnetization direction is determined for the location of the center of mass that will provide the maximum contribution to the desired field F."

GROUND FOR REJECTION TO BE REVIEWED ON APPEAL – UNDER 37 C.F.R. § 41.37(c)(1)(vi)

Appellants present the following issues for review:

1. Is the invention set forth in claims 39-41, 45-47 and 51-52 anticipated under 35 U.S.C. § 102(b) by *Koike et al* (U.S. Pat. No. 3,971,963).

ARGUMENT – UNDER 37 C.F.R. § 41.37(c)(1)(vii)

1st GROUND OF REJECTION ON APPEAL

Pursuant to 37 C.F.R. § 41.37(c)(1)(vii), the following provides the contentions of appellants with respect to the 1st ground of rejection above presented for review in accordance with 37 C.F.R. § 41.37(c)(1)(vi).

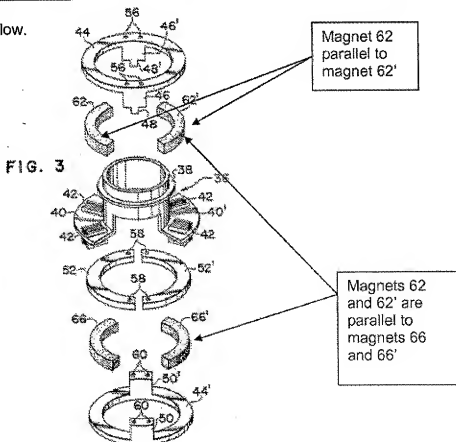
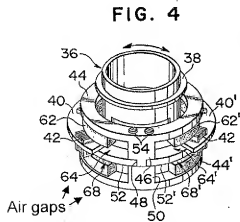
Independent Claims 39, 41 and 45

Claims 39, 41 and 45 are not anticipated by *Koike et al* for the following reasons:

I. *Koike et al* fail to disclose all the claim limitations

Appellant respectfully submits that claims 39, 41 and 45 are not anticipated by *Koike*, because *Koike* fails to teach the required elements of a compound magnet assembly comprising segments magnetized to provide a magnetic field in a selected direction at an operating point spaced from the compound magnet assembly.

The Final Office Action states that the Applicant has argued *Kioke* does not disclose magnet segments arranged in a *parallel manner*. However, the Appellant argues that *Kioke* does not disclose the claimed compound magnet assembly, because *Kioke* uses separate magnets 62, 62' that are "isolated from each other," and separate magnets 66, 66' that are "isolated from each other," which provide magnetic fields within air gaps (64, 64', 68, 68') inside a stator, as disclosed in *Kioke*, col. 5, ll. 28-42, and shown in Figures 3-4 reproduced below.



Thus, *Kioke* does not disclose magnet segments arranged to form a compound magnet assembly, as interpreted consistent with the specification. The Federal Circuit has maintained that a term in a cited reference cannot reasonably be construed to describe a claimed limitation in a manner that is inconsistent with that disclosed in the specification. (*See In re Buszard*, 504 F.3d 1364, 84 U.S.P.Q.2d 1749 (2007)).

The Final Office Action further contends on page 4 that the features upon which Appellant relies (segments arranged in a parallel manner) are not recited in the claims, and that *Kioke* teaches a magnet assembly with a magnetic field at an operating point spaced from the magnet. However, the claim feature that Appellants are relying on, which is not taught in *Kioke*, is the structure of a compound magnet assembly shown below in Applicant's Fig's 10 and 13, which were depicted in the Final Office Action.

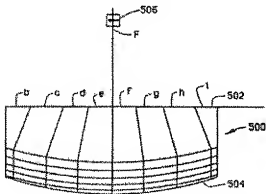


FIG. 10

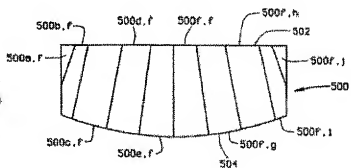


FIG. 13

Moreover, the claims require a compound magnet having segments that are magnetized to provide a magnetic field in a selected direction at a selected operating point (506) spaced from the front face of the compound magnet. Contrary to the claimed magnet, *Kioke* has separate magnets 62, 62' that generate one magnetic field in diametrically opposed air gaps (64, 64') inside Kioke's stator at a first location, and separate magnets (66, 66') that generate another magnetic field in diametrically opposed air gaps (68, 68') inside Kioke's stator at a second location. (*Kioke*, col. 5, ll. 33-45).

Kioke's separate magnets that generate magnetic fields in different air gaps inside of *Kioke's* stator assembly cannot be reasonably interpreted consistent with the Applicant's specification to read on a compound magnet assembly that generates a magnetic field at a select operating point spaced from the magnet, as explained below.

In an earlier April 19, 2007 Office Action rejection that was reversed by the Board of Patent Appeals,¹ the Board ruled a *Holcomb* reference disclosing (4) separate magnets providing magnetic fields in different locations did not anticipate a compound magnet assembly providing a magnetic field at an operating point spaced from the magnet.

Much like the Board's conclusion that *Holcomb's* (4) separate magnets could not define a compound magnet assembly providing a magnetic field at an operating point spaced from the magnet, *Kioke's* (4) separate magnets (62, 62', 66, 66') that establish fields in different gap locations inside *Kioke's* stator similarly can not define the claimed compound magnet assembly for providing a magnetic field at an operating point spaced from the magnet. Furthermore, *Kioke's* magnetic fields in separate air gap locations within the inside of a stator assembly cannot be reasonably interpreted to disclose the claimed field at an operating point spaced from the front face of the magnet, as interpreted consistent with Applicant's specification by one of ordinary skill in the art. This follows the reasoning in the Board's decision overturning the April 19, 2007 rejection, in which the Board concluded that one of ordinary skill in the art would not interpret the claimed compound magnet assembly that provides a field at an operating point spaced from the magnet as encompassing *Leupold's* cylindrical magnet 40 that produces a field within a cavity (17, 44).²

¹ See *Ex parte Francis Creighton*, Appeal 2008-4386, (Aug. 15, 2008), p. 9-11; US Pat. Appl. 10/674,667.

² *Id.* at 8-9.

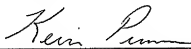
Much like the Board's determination that *Leupold's* field H within an internal magnet cavity (17, 44) was too constraining to be useful as an operating point, *Kioke's* (4) separated magnets (62, 62', 66, 66') that establish magnetic fields in airgaps inside *Kioke's* cylindrical structure (*Kioke*, col. 2, ll. 29-55), cannot be reasonably interpreted as a field at an operating point spaced from the front face of the magnet.

Kioke's (4) separated magnets (62, 62', 66, 66') that establish fields within airgaps inside *Kioke's* assembly can no more provide a field at the operating point spaced from the front face of the compound magnet assembly than *Leupold's* magnet could define a magnetic field spaced from *Leupold's* magnet. A person of ordinary skill in the art would not have reasonably construed *Kioke's* (4) separate magnets (62, 62', 66, 66') establishing fields in different airgaps inside of *Kioke's* assembly to read on the claimed field at an operating point spaced from the front face of the compound magnet assembly (as interpreted consistent with the specification). Thus, the Applicant submits that *Kioke's* separate magnets generating magnetic fields in airgaps within *Kioke's* device fails to disclose the claimed compound magnet assembly providing a field at an operating point spaced from the front face of the compound magnet assembly (or a compound magnet assembly applying magnetic field in a selected direction at a selected operating point where the magnet assembly comprises a front face generally facing the operating point, as in claim 45). Additionally, *Kioke's* separate magnets (62, 62', 66, 66') do not disclose the claimed feature in claims 41 and 45 of a surface of constant contribution to the magnetic field in the selected direction at the operating point. As such, the Applicants submit that independent claims 39, 41, 45, and claims 40, 46-47 and 51-52 that ultimately depend from claims 39, 41, 45, are not anticipated.

CONCLUSION

Appellants respectfully submit that the Examiner has not shown that claims 39-41, 45-47 and 51-52 are not anticipated by *Kioke et al.* (U.S. Pat. No. 3,971,963). Accordingly, reversal of the rejections of claims 39-41, 45-47 and 51-52 are respectfully requested.

Respectfully submitted,



Kevin M. Pumm, Reg. No. 49,046
Harness, Dickey & Pierce, P.L.C.
7700 Bonhomme Avenue, Suite 400
St. Louis, MO 63105
(314) 726-7500

Date: January 25, 2010

CLAIMS APPENDIX
UNDER 37 C.F.R. § 41.37(c)(1)(viii)

1. – 38. (Cancelled)

39. (Previously Presented) A compound magnet assembly having a front face and comprising a plurality of segments, the segments each magnetized to provide the maximum magnetic field in a selected direction at a selected operating point spaced from the front face of the compound magnet assembly.

40. (Previously Presented) The compound magnet assembly according to claim 39 wherein each segment is magnetized in the direction of magnetization that, at the center of mass of the segment, provides the maximum contribution to the magnetic field in the selected direction at the selected point.

41. (Previously Presented) A compound magnet assembly having a front and a back face and comprising a plurality of segments, the segments each magnetized to provide substantially the maximum magnetic field in a selected direction at a selected operating point spaced from the front face, the back face being substantially contoured to follow a surface of constant contribution to magnetic field in the selected direction at the operating point.

42. – 44. (Cancelled)

45. (Previously Presented) A compound magnet assembly for applying a magnetic field in a select direction at a selected operating point, the magnet assembly comprising a front face generally facing the operating point, and an at least approximately curved back face facing away from the operating point, the back face generally conforming to a constant contribution surface of the magnetic field in the selected direction.

46. (Previously Presented) The compound magnet assembly according to claim 45 wherein the magnet assembly is divided into a plurality of segments that are assembled together to form a compound magnet assembly.

47. (Previously Presented) The compound magnet assembly according to claim 46, wherein each segment comprises a front face, generally facing the operating point, the back face generally facing away from the operating point, the back face generally conforming to a constant contribution surface of the magnetic field in the selected direction.

48. – 50. (Cancelled)

51. (Previously Presented) The compound magnet assembly according to claim 47 wherein each segment is magnetized in the direction of magnetization that, at the center of mass of the segment, provides the maximum contribution to the magnetic field in the selected direction at the selected operating point.

52. (Previously Presented) The compound magnet assembly according to claim 46 wherein each segment is magnetized in the direction of magnetization that, at the center of mass of the segment, provides the maximum contribution to the magnetic field in the selected direction at the selected point.

53.-57. (Cancelled)

EVIDENCE APPENDIX UNDER 37 C.F.R. § 41.37(c)(1)(iX)

A copy of the Final Office Action mailed June 2, 2009 placing the present application under final rejection is provided.

RELATED PROCEEDINGS APPENDIX - UNDER 37 C.F.R. § 41.37(c)(1)(x)

NONE.

60816837.1



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/674,667	09/30/2003	Francis M. Creighton IV	5236-000/440	5015

28997 7590 06/02/2009
HARNESSEY, DICKEY, & PIERCE, P.L.C
7700 Bonhomme, Suite 400
ST. LOUIS, MO 63105

EXAMINER

RAMIREZ, JOHN FERNANDO

ART UNIT	PAPER NUMBER
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3737

MAIL DATE	DELIVERY MODE
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06/02/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/674,667

Applicant(s)

CREIGHTON ET AL.

Examiner

JOHN F. RAMIREZ

Art Unit

3737

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02/16/09.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 39-41, 45-47, 51 and 52 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 39-41, 45-47, 51 and 52 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a). Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

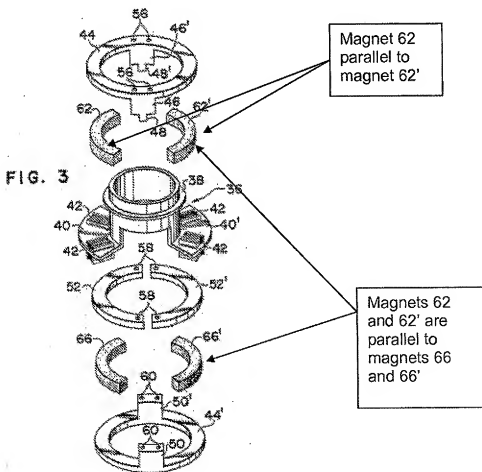
DETAILED ACTION

Response to Arguments

Applicant's arguments filed on 02/16/09 have been fully considered but they are not persuasive.

In response to applicant's argument that the Kioke reference does not disclose segments arranged in a parallel manner (see page 5 of the remarks). The examiner of record disagrees with applicant's comments for the following reasons:

First of all, Kioke's magnets (62, 62', 66, 66') are parallel to each other as shown in figs. 3 and 4.



Second, it appears in the present invention that the plurality of segments (FIG. 13 elements 500a-f; FIG. 10 elements b-i) are not parallel to respect to each other, since their boundary lines don't have the same distance apart (called "equidistant") as shown in figs, 10, 13 and 18 of the present application SN 10/674667.

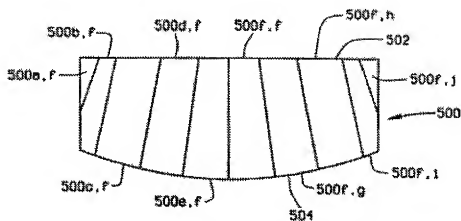


FIG. 13

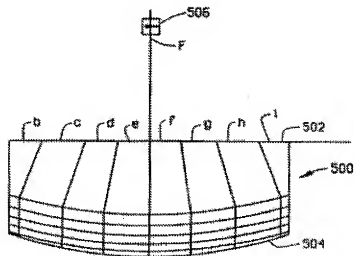


FIG. 10

And last, In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., to be arranged in a parallel manner) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

In response to applicant's argument that the Kioke does not teach forming a magnet assembly that contributes to a magnetic field at an operating point spaced from the magnet assembly. The examiner disagrees with applicant's assertions. As argued before, in col. 2, lines 29-55 of the Kioke's specifications, it expressly states:

ically controlled diaphragm. More specifically, the
40 present invention provides an electromagnetic rotary
motion device which generally comprises stationary
magnetic flux generating means formed with at least
one arcuately curved continuous air gap concentric
with the cylindrical structure and establishing a sub-
45 stantially uniform magnetic field flowing in a direction
parallel to an axis of the cylindrical structure through
the air gap, armature means concentric with the flux
generating means and rotatable along the air gap about
50 the axis of the cylindrical structure through an angle
substantially proportional to a d.c. current applied to
the armature means, and means interconnecting the
armature means and the cylindrical structure for trans-
mitting the rotation of the armature means to the cylin-
55 drical structure.

Based on the above evidence, the rejections still read on the claims and are maintained.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

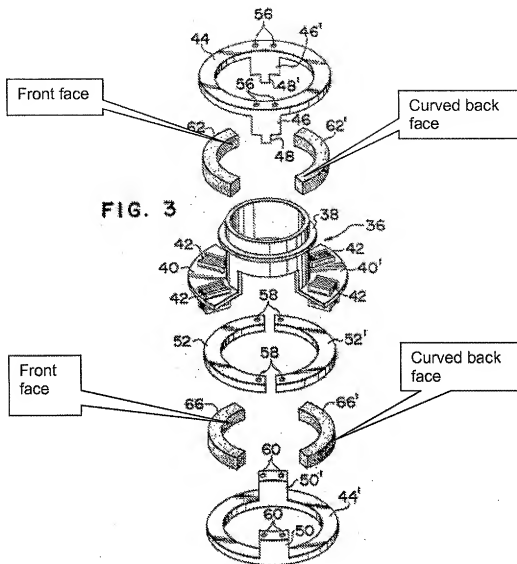
(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

Claims 39-41, 45-47 and 51-52 are rejected under 35 U.S.C. 102(b) as being anticipated by Koike et al (US 3,971,963).

Koike et al. disclose a method of making a magnet assembly comprising: providing a plurality of segments (e.g. 62, 62', 66, 66') of permanent magnet material

configured, or when, to be arranged in parallel manner to form a magnet assembly; forming a radius of curvature on a top face (outer diameter surface of each of segments 62, 62', 66, 66') of each of the segments, such that the segments when assembled form a generally curved top surface having a radius of curvature that corresponds to a distance between the top face and an intended pivot axis (centerline of assembly in Fig. 4) of the assembled magnet; forming a curved back face (inner diameter surface of each of segments 62, 62', 66, 66') of each of the segments, such that the segments when assembled form a shape in accordance with at least one selected surface of constant contribution to the predetermined operating point, such that the segments of permanent magnet material will each contribute to the magnetic field generated at the predetermined operating point spaced from the center of the assembled magnet (col. 2, lines 39-55); and assembling the segments to form the magnet assembly (see Fig. 3). Koike et al. disclose and illustrate in Figures 3 and 4 that the magnet comprises a front face generally facing the operating point, and an at least approximately curved back face facing away from the operating point, the back face generally conforming to a constant contribution surface of the magnetic field in the selected direction (col. 2, lines 39-55; col. 5, lines 28-63).



Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JOHN F. RAMIREZ whose telephone number is (571)272-8685. The examiner can normally be reached on (Mon-Fri) 7:00 - 3:30 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Brian L. Casler can be reached on (571) 272-4956. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/J. F. R./
Examiner, Art Unit 3737

Application/Control Number: 10/674,667
Art Unit: 3737

Page 9

/BRIAN CASLER/
Supervisory Patent Examiner, Art Unit 3737